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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,841	12/29/2003	Hagai Katz	5760-14600	6451

35690 7590 09/27/2007
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
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EXAMINER

NELSON, FREDA ANN

ART UNIT	PAPER NUMBER
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3628

MAIL DATE	DELIVERY MODE
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09/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/747,841	Applicant(s) KATZ ET AL.	
	Examiner Freda A. Nelson	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment received on March 1, 2007 is acknowledged and entered. Claims 1, 7-8, 14-15, 20-21, and 27 have been amended. Claims 6, 13, and 26 have been canceled. No claims have been added. Claims 1-5, 7-12, 14-25, and 27 are currently pending.

Response to Amendment and Arguments

Applicant's arguments filed March 1, 2007 have been fully considered but they are not persuasive.

In response to the applicant's arguments that Hilali et al. does not disclose wherein each of the plurality of available cost allocation methods defines a different way of dividing one of the determined costs, the examiner respectfully disagrees. Al-Hilali et al. disclose the steps of FIG. 5 are simply one way of accomplishing step 104 of FIG. 4 and those skilled in the art will appreciate that different ways and means may be used to determine the cost, in terms of each relevant system resource, for each of the identified transactions. Note that for purposes of this invention it is only important that such cost has been accurately determined (col. 11, lines 44-52). Al-Hilali et al. further discloses that equations may be created for each relevant system resource by multiplying the cost of each transaction for the relevant resource by the number of occurrences of those particular transactions wherein each of these will provide a component or element of the total cost and can therefore be summed together to arrive at the total usage for that particular resource due to the user behavior that make up the various transactions.

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Finally, the total number of anticipated users may be multiplied across the summation of these individual components in order to arrive at the total usage for all users (col. 17, lines 10-19).

Examiner's Note

Examiner cites particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Drawings

The drawings are objected to because the label in reference 74 is not legible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and

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where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2, 3-9, 17, 19-21, 23 are rejected under 35 U.S.C. 102(b) as being unpatentable over Al-Hilali et al. (US Patent Number 6,086,618), in view of Eden et al. (US PG Pub. 2005/0171918).

As per claims 1 and 11, Al-Hilali et al. disclose a method for allocating resource usage costs in a computer system comprising a plurality of system resources, the method comprising:

determining a cost for each of the plurality of system resources (col. 4, lines 10-16);

determining a cost allocation method for each of the plurality of system resources from a plurality of available cost allocation methods, wherein each of the plurality of available cost allocation methods defines a different way of dividing one of the determined costs (col. 4, lines 4-9; col. 10, lines 22-34; col. 11, lines 44-52; col. 9, lines 30-45);

determining resource usage by an organizational unit for each of the plurality of system resources (col. 1, lines 10-16); and

programmatically determining a cost of resource usage by the organizational unit based on the cost for each of the plurality of system resources, the cost allocation method for each of the plurality of system resources, and the resource usage by the organizational unit for each of the plurality of system resources (col. 4, lines 10-16).

Al-Hilali et al. does not expressly disclose storing the programmatically determined cost of the resource usage by the organizational unit in a cost allocation database.

However, Eden et al. discloses cost allocation rules are important for determining how certain of the indirect care costs are apportioned to the care of particular patient Groups and cost allocation rules are an important component of patient specific costing in health care, and of Activity Based Costing in general. All of the data from the various patient care and administrative systems are processed and stored in a conventional data warehouse and in a hospital this data warehouse is highly specialized to the patient care costing requirements (paragraph [0089]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Al-Hilali et al. in order to store/save costs in a cost allocation database for easy retrieval of cost information.

As per claims 2 and 12, Al-Hilali et al. disclose the method of claim 1, wherein each of the plurality of system resources comprises one or more cost elements, and wherein a cost allocation method is determined for each of the one or more cost elements (col. 2, lines 53-65).

As per claims 5 and 13, Al-Hilali et al. disclose the method of Claim 1, wherein the plurality of available cost allocation methods comprises a per usage time cost allocation method (col. 4, line 64 through col. 5, line 4).

As per claim 6, Al-Hilali et al. disclose the method of claim 1, wherein the plurality of available cost allocation methods comprises a per active days cost allocation method (col. 8, lines 10-19).

As per claim 7, Al-Hilali et al. disclose the method of claim 1, wherein the plurality of available cost allocation methods comprises a per number of activities cost allocation method (col. 8, line 63-col. 9, line 10; col. 12, lines 11-40).

As per claims 8 and 14, Al-Hilali et al. disclose the method of claim 1, wherein the plurality of available cost allocation methods comprises a per processing time cost allocation method (col. 9, lines 10-19):

As per claims 9 and 15, Al-Hilali et al. disclose the method of claim 1, wherein the determining resource usage by an organizational unit for each of the plurality of system resources comprises using a performance management system to collect usage data for one or more of the plurality of system resources (col. 10, line 61-col. 11, line 7).

As per claims 17 and 23, Al-Hilali et al. disclose a system for allocating resource usage costs for usage of a plurality of system resources, the system comprising:

- a usage analysis and cost allocation server (abstract);

- a usage analysis and cost allocation database which is coupled to the usage analysis and cost allocation server (col. 7, line 58- col. 8, line 3);

- wherein the usage analysis and cost allocation server is operable to:
determine a cost for each of the plurality of system resources (col. 4, lines 10-16);

- store the cost for each of the plurality of system resources in the usage analysis and cost allocation database (col. 9, lines 30-45);

- determine a cost allocation method for each of the plurality of system resources from a plurality of available cost allocation methods (col. 9, lines 30-45; col. 4, lines 4-9; col. 10, lines 22-34; col. 11, lines 44-52);

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store the cost allocation method for each of the plurality of system resources in the usage analysis and cost allocation database (col. 18, lines 31-43);

determine resource usage by an organizational unit for each of the plurality of system resources (col. 6, lines 31-44); and

determine a cost of resource usage by the organizational unit based on the cost for each of the plurality of system resources, the cost allocation method for each of the plurality of system resources, and the resource usage by the organizational unit for each of the plurality of system resources (col. 4, lines 10-16).

As per claim 18, Al-Hilali et al. disclose the system of claim 17, wherein each of the plurality of system resources comprises one or more cost elements, and wherein a cost allocation method is determined for each of the one or more cost elements (col. 2, lines 53-65).

As per claim 19, Al-Hilali et al. disclose the system of Claim 17, wherein the plurality of available cost allocation methods comprises a per usage time cost allocation method (col. 4, line 64 through col. 5, line 4).

As per claim 20, Al-Hilali et al. disclose the system of claim 17, wherein the plurality of available cost allocation methods comprises a per processing time cost allocation method (col. 9. lines 10-19).

As per claim 21, Al-Hilali et al. disclose the system of claim 17, wherein in determining the resource usage by an organizational unit for each of the plurality of system resources comprises using a performance management system to collect usage data for one or more of the plurality of system resources (col. 10, line 61-col. 11, line 7).

2. Claim 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hilali et al. (US Patent Number 6,086,618), in view of Eden et al. (US PG Pub. 2005/0171918), still in further view of Applicant's Admitted Prior Art (AAPA).

As per claims 3-4, Al-Hilali et al. does not expressly disclose the method of claim 1, wherein the plurality of available cost allocation methods comprises a per license cost allocation method; and wherein the plurality of available cost allocation methods comprises a per headcount cost allocation method.

However, AAPA disclose prior approaches have generally used "head counts" (e.g., number of software licenses), arbitrary percentages, fixed "taxation" models, and similar allocation models (page 3 [0005]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Al-Hilali et al. to include the feature of AAPA in order to provide cost for have been obvious

3. Claim 10, 16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hilali et al. (US Patent Number 6,086,618), in view of Eden et al.

(US PG Pub. 2005/0171918), further view of Applicant's Admitted Prior Art (AAPA), still in further view of Morgan et al. (US Patent Number 5,799,286).

As per claims 10, 16, and 22, Al-Hilali et al. does not expressly disclose importing employee data from a human resources directory; and defining the organizational unit as a group of users based on the imported employee data.

However, Morgan et al. discloses in FIG. 8, the relational database 12 receives or imports three types of information from the existing computer 64. The first is the production measurement system information 150 wherein production measurement systems may capture product volume information by customer. A second type of information is general ledger information 152, which includes the reporting structure and the actual or budget dollar expenses for each of the cost pools. The reporting structure is the structure of the business organization's cost centers. A third type of information is human resources information on employees, which may include the employee name and number, job category, and the responsibility center.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Hilali et al. to include the features of AAPA, Eden et al. and Morgan et al. in order to use data produced by another application to save time and cost determining allocation costs.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

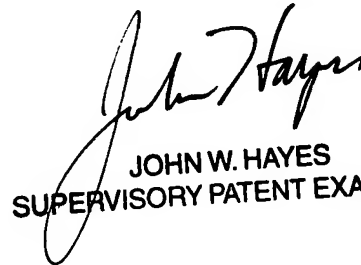
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FAN 09/24/2007

A handwritten signature in cursive script, appearing to read "Theda Nelson".A handwritten signature in cursive script, appearing to read "John W. Hayes".
JOHN W. HAYES
SUPERVISORY PATENT EXAMINER